

II. Claims 13, and 23-24, drawn to a method for identifying a compound which modulates the activity of MSH5, wherein the compound can modulate expression of MSH5, and wherein said compound is an antisense MSH5 nucleic acid molecule, classified in classes 536 and 514, subclasses 24.5 and 44.

III. Claims 13 and 25, drawn to a method for identifying a compound which modulates the activity of MSH5, wherein said compound is a small molecule, classified in class 436, subclass 501.

IV. Claims 13 and 26, drawn to a method for identifying a compound which modulates the activity of MSH5, wherein said compound is an antibody, classified in classes 435, 530, and 425 subclasses 7.1, 387.1, 130.1.

V. Claims 13 and 27, drawn to a method for identifying a compound, which modulates the activity of MSH5, wherein said compound is a peptide, classified in classes 435 and 424, subclasses 7.2 and 185.1.

VI. Claims 13 and 28, drawn to a method for identifying a compound which modulates the activity of MSH5, wherein said compound is a peptidomimetic, classified in class 424, subclass 184.1.

VII. Claims 13 and 29, drawn to a method for identifying a compound which modulates the activity of MSH5, wherein said compound is has an effect on an MSH5 substrate, classified in classes 514 and 424, subclasses 44 and 184.1.

Applicants hereby elect the Group I invention (claims 13-14 and 22) drawn to a method for identifying a compound which modulates the activity of MSH5, wherein the activity of MSH5 is inhibited and wherein said compound is a contraceptive, for prosecution in this application, *with traverse*.

Applicants hereby *traverse* the foregoing Restriction Requirement on the grounds that Groups I-VII should be re-grouped as a single invention, as Groups I-VII encompass inventions which are connected in design, operation, and effect, *i.e.*, are not independent (M.P.E.P. §808.01). Applicants have presented generic claim 13 which is directed to a method for identifying a compound which modulates the activity of MSH5, by contacting MSH5 with a test compound and determining the effect of the test compound on the activity of MSH5 to, thereby, identify a compound which modulates MSH5 activity. The *compound that modulates MSH5 activity* can be a small molecule, a polypeptide, a peptidomimetic, an antisense nucleic acid molecule, or an anti-MSH5 antibody. These compounds have the same effect, *i.e.*, they modulate MSH5 activity, and the same design and operation. For example, a peptide, a peptidomimetic and an antibody operate by binding to an active site on the MSH5 polypeptide, thereby modulating its activity (e.g., by inhibiting its interaction with another peptide).

For the foregoing reasons, Applicants respectfully submit that a sufficient search and examination with respect to the inventions of Groups I-VII can be made without serious burden on the Examiner. As the M.P.E.P. states:

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. § 803.

The inventions of Groups I, IV, V, VI and VII have all been classified in Classes 435 and/or 424. As such, the searches with regard to these inventions would be co-extensive and would not involve a serious burden on the Examiner.

Applicants believe that a *species election*, *e.g.*, wherein the compound is a small molecule, may be proper for searching purposes only, posing no undue burden on the Examiner. However, a restriction under 35 U.S.C. § 121 is improper for above-stated reasons.